

REMARKS

In the Office Action dated January 29, 2004, claims 1-3, 5-13, and 15-19 were presented for examination. Claim 1, 3, 5, 6, 8-10, 17, and 19 were rejected under 35 U.S.C. §102(b) as being anticipated by *Inada*. Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Inada* in view of *Fogle*. Claims 11-13 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Inada* in view of *Stephens et al.* Claims 1, 3, 5, 6, 8-10, 11-13, 15, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Inada* in view of *Stephens et al.* or *Jacyno et al.* Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Inada* in view of *Stephens et al.* or *Jacyno et al.*, and further in view of *Fogle*.

The following remarks are provided in support of the pending claims and responsive to the Office Action of January 29, 2004 for the pending application.

I. Rejection of Claims 1, 3, 5, 6, 8-10, 17, and 19 under 35 U.S.C. §102(b):

In the Office Action of January 29, 2004, the Examiner assigned to the application rejected claims 1, 3, 5, 6, 8-10, 17, and 19 under 35 U.S.C. §102(b) as being anticipated by *Inada* ('700). *Inada* ('700) relates to a cutting head for a lawnmower.

Fig. 7 of *Inada* shows a filament line prior to insertion into the cutting head of the lawnmower. The filament line is shown with a collar at a distal end thereof, wherein the collar includes a flange portion having a larger cross section. Fig. 2 of *Inada* shows the filament line following insertion into the cutting head of the lawnmower. As shown in Fig. 7, the distal end of the line has a collar that envelops the distal end thereof. Accordingly, *Inada* shows a line for use in a lawnmower apparatus, wherein the line is in communication with a collar structure with the distal end of the line not flush with the distal end of the collar.

However, Applicant's invention has different elements than that taught in *Inada*. The distal end of the line of *Inada* is not flush with the distal end of the collar. The dictionary

definition of the word "flush" is "level with adjoining surfaces."¹ Applicant's invention is for a monofilament line with a collar structure adjacent to the distal end thereof, wherein the distal end of the line is flush with the distal end of the collar. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP. §2131 (citing *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)). As mentioned above, *Inada* does not expressly or inherently provide a filament line with a collar, wherein the distal end of the collar is flush with the distal end of the filament line. Therefore, *Inada* fails to teach all of the claim limitations present in Applicants' claimed invention with respect to claims 1, 3, 5, 6, and 8.

With respect to claims 9-10, 17, and 19, Applicant has a further limitation which is not present in *Inada*. Specifically, Applicant claims placement of the line with respect to a wall of a cutting head flange. "[S]aid flange is adapted to be placed in communication with said interior wall of said aperture of said cutting head flange." As shown in Fig. 2 of *Inada*, placement of the filament line and associated collar with respect to the cutting head is the opposite of the structure as claimed by Applicant. The line of *Inada* extends from an exterior side of the cutting head wall to an interior section of the cutting head. In fact, the collar structure of *Inada* remains exterior to the cutting head apparatus when inserted therein.

With respect to claim 19, as amended, Applicant has a further limitation which is not present in the structure of *Inada*. Specifically, Applicant claims the "straight" structure of the collar and filament line with respect to placement in an opening in the cutting head of the trimmer apparatus. "[W]herein upon insertion in a trimmer said trimmer line is straight from said distal end of collar to a proximal end of said trimmer line." As shown in Fig. 2 of *Inada*, placement of the filament line and associated collar with respect to the cutting head is not "straight" as claimed by Applicant. The line of *Inada* curves as it enters the interior section of

¹THE NEW LEXICON WEBSTER'S DICTIONARY OF THE ENGLISH LANGUAGE, (1989 EDITION), attached as Exhibit A.

the lawnmower. Accordingly, removal of the rejection of claims 1, 3, 5, 6, 8-10, 17, and 19 under 35 U.S.C. §102(b) as being anticipated by *Inada* ('700) is respectfully requested.

II. Rejection of Claim 2 under 35 U.S.C. §103(a):

In the Office Action of January 29, 2004, the Examiner assigned to the application rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Inada* ('700) in view of *Fogle* (837). Applicant has cancelled claim 2. Accordingly, any response to the rejection set forth by the Examiner is moot.

III. Rejection of Claims 11-13 and 15 under 35 U.S.C. §103(a):

In the Office Action of January 29, 2004, the Examiner assigned to the application rejected claims 11-13 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Inada* ('700) in view of *Stephens et al.* ('708).

Applicant hereby incorporates by reference the comments pertaining to *Inada* as discussed above.

The *Stephens et al.* ('708) patent accounts for a monofilament cutting line with an encumbrance at one end of the line. There is no consideration given for a specific structure for the encumbrance. Nor is there consideration for a structure that enables a portion of the monofilament line to extend beyond the collar into the trimmer head with a concentric portion of the collar enveloping the line. Although there is a reference to an encumbrance, there is no structure shown that discloses the claimed elements of Applicant's collar and flange structure. Accordingly, *Stephens et al.* fails to account for a structure associated with the encumbrance, wherein the encumbrance includes a single unit comprised of a concentric collar and flange with different size diameters associated therewith.

It is accepted that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP §2143.03 (citing *In re*

Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). There is no teaching, suggestion, or motivation in *Stephens et al.* for a monofilament line with a collar and flange unit adjacent to a distal end of the monofilament line. Similarly, *Inada* does not teach or suggest a single unit collar structure for its clamping member comprised of a concentric flange and collar with the flange wherein the distal end of the collar is flush with a distal end of the monofilament line. Therefore, each of the prior art references when taken together fail to teach all of the claim limitations and fail to establish the prima facie obviousness of the claimed invention. Accordingly, removal of the rejection of claims 11-13 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Inada* ('700) in view of *Stephens et al.* ('708) is respectfully requested.

IV. Rejection of Claims 1, 3, 5, 6, 8-10, 11-13, 15, and 17 under 35 U.S.C. §103(a):

In the Office Action of January 29, 2004, the Examiner assigned to the application rejected claims 1, 3, 5, 6, 8-10, 11-13, 15, and 17 under 35 U.S.C. §103(a) as being unpatentable over *Inada* ('700) in view of *Stephens et al.* ('708) or *Jacyno et al.* ('865)

Applicant hereby incorporates by reference the comments pertaining to *Inada* and *Stephens et al.* as discussed above.

The *Jacyno et al.* patent (865) discloses a trimmer line for a lawn edging device with a triangular cross section and a connector mounted to a distal end of the trimmer line. A proximal end of the connector secures to the trimmer line near the distal end thereof, and the eyelet is distal of the distal end of the line.

For it to be obvious to combine prior art references, the references must teach, suggest, or motivate one with ordinary skill in the art to combine the references and create the claimed invention. "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP §2143.01. The *Inada*

patent does disclose a filament line with a collar-flange structure wherein the distal end of the collar is not flush with the distal end of the line, as claimed by Applicant. The *Stephens et al.* patent does disclose a filament line with an encumbrance adjacent to the distal end thereof. However, *Stephens et al.* does not teach any structure to the encumbrance, and in fact does not show an encumbrance with two sections with each section having a different cross section. The *Jacyno et al.* patent does disclose a connector structure secured to the distal end of a monofilament line. The connector structure has a first section that secures to the line, which is in communication with a second section that has an eyelet adapted to secure to a secondary object. However, the first portion that secures to the monofilament line is not flush with the first section of the connector structure, as shown in Figs. 3 and 4, and the second portion is certainly not flush with the distal end of the monofilament line. None of the references disclose information regarding securing a collar and a concentric flange or an equivalent apparatus to a trimmer line wherein the distal end of the collar is flush with the distal end of the monofilament line. The teaching, suggestion, or motivation for combining the references must emanate from the references themselves, and not from Applicant. The prior art must teach the desirability of the modification in question. "The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Gordon et al.*, 733 F.2d 900, 221 USPQ 1125, 1127 (Fed. Cir. 1984). There is no desire within the references themselves to combine the elements of the prior art to arrive at Applicant's invention. The desirability can be found at best only through the use of Applicant's invention. Therefore, the prior art references whether taken individually or in combination do not render Applicant's invention obvious as there is no teaching, suggestion, or motivation to combine the elements found in different prior art references having different purposes to build the product of Application. Accordingly, Applicants respectfully contend that the combination of *Inada*, *Stephens et al.*, and *Jacyno et al.* does not meet the standard set by the CAFC's interpretation of 35 U.S.C. §103(a), and respectfully requests allowance of claims 1, 3, 5, 6, 8-10, 11-13, 15, and 17.

V. Rejection of Claim 2 under 35 U.S.C. §103(a):

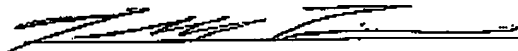
In the Office Action of January 29, 2004, the Examiner assigned to the application rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Inada* ('700) in view of *Stephens et al.* ('708) or *Jucyno et al.* ('865), and further in view of *Fogle* (837). Applicant has cancelled claim 2. Accordingly, any response to the rejection set forth by the Examiner is moot.

In view of the forgoing amendments and remarks, it is submitted that all of the claims remaining in the application are now in condition for allowance and such action is respectfully requested. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

By:



Rochelle Lieberman
Registration No. 39,276
Attorney for Applicant

Lieberman & Brandsdorfer, LLC
12221 McDonald Chapel Drive
Gaithersburg, MD 20878-2252
Phone: (301) 948-7775
Fax: (301) 948-7774
Email: rocky@legalplanner.com

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